


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

OCT 01 2012

JULIA C. DUDLEY, CLERK
BY:  DEPUTY CLERKCHRIS CARTY,
Plaintiff,

v.

T. COX et al.,
Defendants.

Civil Action No. 7:12cv00086

ORDER ADOPTING REPORT
AND RECOMMENDATIONBy: Samuel G. Wilson
United States District Judge

Chris Carty, a Virginia inmate proceeding *pro se*, filed this civil rights action alleging that he was subjected to excessive force and denied adequate medical care thereafter. Carty names Nurse T. Cox and Correctional Officer P. Stanley as defendants to this action and alleges that they refused to provide him medical care following his alleged attack on October 28, 2011. Carty has also filed a motion for preliminary injunctive relief, alleging that Nurse Cox has retaliated against him for filing this civil rights action by giving him an “unknown crush[ed] substance” which made him “very sick” on May 31, 2012, and June 2, 2012.¹ Carty asks the court to issue a preliminary injunction ordering that Nurse Cox be removed from providing medical care to Carty and that Carty be moved to another state prison.

The court referred the matter to United States Magistrate Judge Pamela M. Sargent for a report and recommendation pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge filed a report, finding no basis for granting Carty’s request for preliminary injunctive relief and recommending that his motion be denied. Carty filed objections to the Report and Recommendation, largely reiterating the arguments made in his pleadings.²

¹ The court notes that Carty has marshaled nothing plausibly supporting his claim that Nurse Cox acted maliciously.

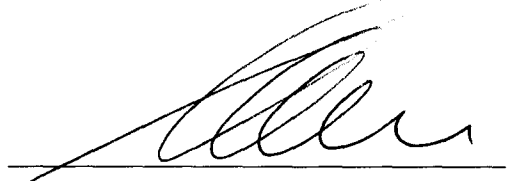
² As “new evidence” in support of his claim that Nurse Cox is retaliating against him for filing this civil rights action, Carty alleges that Correctional Officer Scott wrote a “false charge” against him which was later dismissed by the Warden. The court finds that Carty has not alleged a plausible link between Cox’s alleged desire to retaliate and Scott’s alleged “false charge.” Accordingly, the court finds Carty’s argument unpersuasive.

Having reviewed the Report and Recommendation, the objections thereto, and pertinent portions of the record *de novo*, in accordance with § 636(b)(1), the court agrees with the Magistrate Judge's recommendation.

Accordingly, it is hereby **ORDERED** and **ADJUDGED** that Carty's objections to the Report and Recommendation are **OVERRULED**; Carty's request for a hearing on this matter is **DENIED**, the Magistrate Judge's Report and Recommendation is **ADOPTED** in its entirety; and Carty's motion for preliminary injunctive relief (ECF No. 24) is **DENIED**.

The Clerk of the Court is directed to send a certified copy of this order to the parties.

ENTER: October 1, 2012.


UNITED STATES DISTRICT JUDGE